Preserve 16/67

App F IX-4

Previous References 1932-33 (Jud)

File No 67-32

Serial Nos 3, 4 & 6
10 12, 13

PRESERVED

Later References
Jud 107 33 6 8
" 107-33 11 18

GENERAL AND REVENUE SECRETARIAT.

Serial Nos Seven

Part B for January 1934

SUBJECT

Maintenance of a register of decrees in view of the necessity for watching the proceedings relating to the execution of decrees obtained for the recovery of dues to the Municipality in each Court of this

Sl 13) No L 4055-65 of 14-12-33

To the Dy Commr of Distts
Comptroller to Govt
Addl Income Tax Officer
Jud Commr — R Co.

9/16/34

General and Revenue Secretariat | Rev File No 67 of 1932-33

Serial No

From

The Dy Com^r - Kolar Dt

Letter no AS - C 352/32-33 dt 22-6-33

Forwards the resolution of the Kolar Md Council remitting the irrecoverable arrears amounting to Rs 6 39-4-8 and blaming the Head clerk of the Md office for the same and states that the President and Vice-Pres are primarily responsible and not the Head clerk

1) The Dy Com^r has not offered any opinion but simply observes that the responsibility cannot be fixed on the clerk. In the explanation of the Head clerk it is stated that at the time he was acting Inspector and helped the Dy clerk in his work and the papers had not been brought to his notice and that the plaint and other papers used to be with the Vice President who used to pay himself. No explanations of the President and Vice-President have not been obtained. The Council also have not exonerated them, but thrown the main blame on the Head clerk. It is upon for consideration whether the amount has to be written off or recovered and if so whether from the then President and Vice-President or the present

In view of the opinion of the Dy Com^r that the Head clerk is not to blame under section 62 of the Regn, every Councillor is personally liable for the misapplication of any fund which shall have happened thro' gross neglect of duty as Councillor. In this case the amount has become irrecoverable

Submitted for orders

8/7/1933 — RS

1) He has stated that the President & Vice President are primarily responsible and that they should have been as much alert as the makers and gave to the Court

They have stated that the President & Vice President were a little negligent which is not that much loss to the Govt

This is not a case of misapplication of funds

NOTE—Contn Sheet

WD 70—GBPM—60 000—13 8 31

2) The Dy Com has merely repeated the facts of the case for the information of Govt, as this time the President Mr Abdus Subhan is related to the Vice President Mr Balayar Singh is only a Councillor now. Even then explanation does not seem to have been called for

3) It is not however clear if personal responsibility of the Councillors can be enforced in the case, as there cannot be said to have been any misapplication of funds under Sec 42 of the Mc Regn, but there was only negligence leading to the loss the decree amount [See 41 (2) of the Town Mcpl Regn provides for such cases also]

4) the Govt have in the circumstances of the case resolved to remit the amount though 'with deep regret', and thus for orders of any further action is necessary in the case

5) For orders

Sen Secy

Asst 30/8

6) A Please call for the opinion of the DC

5/11/32

Asst 6/9

Sent with draft

9/32 7. 8) Issue Asst 6/9

Secy Govt Madras Letter No 109229 10 9 32 4

Calls for the opinion of the Govt on the resolution of the Mcpl Council

Secy A

B 13

TYPING SECTION 7 SEP 1932 GENL & REV SECT

W.O. File No 6/ , of 1932 7495

Serial No 5

Letter no 45 e 357/32-33 dy 8 Dec from Chief of Staff stating that as the Deputy & Vice posts are not filled Offices need not and there is not enough evidence to furnish the clerk, the matter may be dropped, particularly as no file need having reached to make the amount

9) Instructions regarding para 6 of the note

10) Please put up the file relating to the similar case in the Depot Regt in which orders were issued recently

11) For orders with reference to para 6

12) The Dean suggests that the matter may be dropped as both the President & Vice President are also offices now the former having retired from Service & the latter being only a Caretaker, and there is not enough evidence to furnish the clerk

13) In the case of a Decree for about Rs 3000 been in the Depot Regt having become time barred by the failure of the Office to take execution steps, the Officers concerned as well as the President were asked to make good the amount

(Genl Secy) 4/3

II nd Member 9/3/33 4/3

14) The matter can be dropped without further scrutiny — as a history the action taken re Executive proceedings & the names, both ... should make footnote

...free has been ... Protection Branch, ... may be referred ... for information ... up available

...Law Section ... known ... in the file of ... available

...file relating to ... Rly and to ...

Secy

GENERAL SECRETARY 41-3 ...

No

...AD 3 ... 7428 ...

...—Contn Sheet

WD 70—GBPM—60 000—1 8 31

15) As mr Hamp Khan, who had purchased the right of collecting toll at the 2nd toll gate, Molar for the year 1924 25, failed to pay the full amount of the contract, a suit was filed by the mpls against him in the Munsiffs court, Molar, and a decree was passed on 30-6-26 in favour of the mlcl for Rs 639 4-8 As mr Hamp was reported to be living at Robertsonpet, the decree was sent for transference to the Munsiffs court, K & J on 12-11-1926 for execution, but as it remained unexecuted in that court for more than six months, it was retransferred to Molar Mpls, K & J.

16) The pdt and the 2nd pdt duly remunded about the claim by mr S R Srinivasa Rao, Advocate, who was entrusted with the case he was asked to take further action in the matter Accordingly the advocate sent another execution application to the mlcl President for signature and return, on 18-5-1929 But the execution application was not returned to the Advocate, in spite of his repeated remunders to the mlcl authorities, with the result that the decree was barred by limitation on 12-11-29

17) It is stated in the def cons letter that mr Ayodya Subbaiah was President of the mlcl during the period

2nd 25/3 18) With refce to members remuneration para 14 supra If approved a Govt Order in support of the proposals raised in the Memo-

File No 67 of 1932 56

Serial No	
	of the H Dr of Council held at Calle for [illegible] from the Dy Com—r CC 28/3 191 Yes 20) Opt member appl CC 11/4 9/4 21) Issue to
6	re the OC, Ulan No 6772 of 13-4-33 calls for certain particulars
10	Letter no ASC 354/32-33 of 3-6-33 forwd wep can when OC sending his report to his letter no ASC 354/32-33 of 22-8-32 forwding a history of the above letter re execution proceedings, and forwding other particulars called for in PC 6 supra
22)	Brief note report to members minute at Para 14 Supra & also to notes & orders at paras 19 & 15/6 23) The fact of the case & the action taken re the execution of the decree are mentioned in the Dy Com's letter of 22-8-32 The names of the Sub Jdge Presidents during the entire period are given in the Dy Com's letter under reference (see secy)

TYPING SECTION 13 APP 1933 ENL & REV SEC

24 JUL 1933 REGISTRY

Note-sheet Contn Sheet Dept of Com 25 JUL 1933 No. 4739

Member

Re recovery of Tillage arrears - Kolar mlk

M(File No	67	of 1932	General and Revenue Secretariat

24) What followed the retransfer of the decree to Kolar is not clear. The critical period is at the time the lawyer sent in his application for execution. Its non return is clearly a case of neglect & makes the officer concerned personally responsible as he (Mr Abdus Subhan) is now retired I do not consider it necessary to take action agst him at this stage.

25) The recommendation of the Mr Counsel may be accepted.

26) This is not the first case of the kind what further safeguards are necessary to watch such cases of pending decrees may be separately considered

JPR 29/6

27) As suggested by Mr Thakur separately

29/6

pleasenote stm 30/6

note 30/6 57

28) Please draft reply for Govt sign

29) Draft memo for appl

30/6/57

30) Issue stm 7/7

457 P II

3252

[App F III—2

General and Revenue Secretariat | Jud File No 67 of 1932

Serial No	
12	To see DC, Ustar Dt
	24/1 07-11-33
	Approves the recommendation of the mlo to sanct the amount, in the enclosed
	31) Renewed after issue
	32) The prohibition branch may be consulted in regard to the members mindi be the safeguards necessary for watching the cases of pending decrees — para 26 supra
	jm 24/7 '33 For favour of suggestions on the point
	34 Apr 28/7
	35) Every Municipal Council has to keep a register of decrees obtained by it. As soon as a decree is passed, it has to be entered in the register with all the particulars as prescribed in rule 129 (11) of the Legal Affairs Rule of Govt, with such changes as may be necessary to make them applicable to the Municipality. Once in a half year or quarter, the President or the chief officer of the Municipality has to inspect the register and initial it. After all the number of decrees in any Municipality will not be much and a little scrutiny and care would avoid such lapses
	Asst Se, 1933 ?

3650

5650

2nd File No 67 of 193 2 — General and Revenue Secretariat

A copy of the rules for the conduct of the legal affairs of Govt is wanting

23/8 AV
25

Please brought up person
29/8

Please put up a draft G.O directing the maintenance of Registers of Decrees by all local bodies, as suggested in the note of the Addl Secy, Law Section
13/9

Whether the Registrar Genl has introduced these registers Please furnish a copy of the Business Manual of the Registrar Genl calling for from the Subordinate
6/9

A copy of the Business Manual is / was (vide flag X)
9/9 AV

Note submitted for consideration
26/9 26/9

Please put up a draft, with the form of register to be prescribed
3/10

Typed draft submitted
28
11/10

Please bring up with the copy of the Rules to relating to the conduct of legal affairs of Govt
12/10

Tomorrow
13/10

Noted with a typed copy of the Rules, alongwith the form of Register of suits, adopted from the Rules for the conduct of the Legal Affairs of Govt
27/10 AV

Serial No

D 061 1000

The draft is dated for consideration

(Secretary) [illegible]

The form may be sometimes in the new secretariat also

– [illegible] 10/11 [illegible] 10/11

(Law Secretariat)

The form is that prescribed in rule 129 of the Legal Affairs Rules. It serves the purpose intended & may be appd

(Secretary) [illegible] 23/11

Second Secretariat No 3305

II Member) [illegible] 1/12

[illegible] 3/12

[illegible] 4/12

[illegible] 14/12

33 [illegible] Secretary, Establishment, Law & Justice Department

Cross – 65 – dated 14-12-33

Directs that a register of decrees be maintained, in each of the offices in the form

File No of 193

General and Revenue Secretariat

INL 67-32-3

I all future respondence pl se qu te th
N A5-C 354/32-33
E 1 One file.

OFFICE OF THE DEPUTY COMMISSIONER
KOLAR DISTRICT

Dated Kolar the 22nd August *193 2*

GEN & REV SECTT 857 1 AUG 1932 L. & C. BRANCH

FROM

A V RAMANATHAN Esq B A
Deputy Commissioner
Kolar District

To

R Ranga Rao, Esq, B A, B L,
SECRETARY TO GOVERNMENT OF MYSORE
General *Department*
Bangalore

GENERAL SECRETARY 24 AUG 1932 SIR,

In forwarding herewith the records ending with Kolar - - Municipal President's ero No 170/32-33 dated 3-8-32 re the - remission by the Municipal Council of Toll-gate arrears due from one Mr Hanif Khan, contractor, I have the honour to state that Mr Hanif Khan purchased the right of collecting toll at the - Municipal Toll-gate, Kolar, for the year 24-25 As he failed to pay the full amount, a suit was filed against him in the Munsiff Court, Kolar, and a decree was passed on 30-6-26 in favour of the Municipal Council for $ 689-4-8 As Mr Hanif was reported to be living at Robertsonpet, the decree was got transferred to the Munsiff Court, Kolar Gold Fields, for execution but as it remained unexecuted in that court for more than six months, it was - - retransferred to Kolar It appears that on 13-5-1929, Mr G R Srinivasa Rao, Advocate, who was entrusted with the case sent an execution application for being signed, to the then President and that it was not returned to him in spite of his reminding the - Municipal authorities repeatedly with the result that the decree became barred by limitation It is reported that the execution application finds an entry in the "From" register of the office the explanation of the then Head Clerk was called for but it did not throw any light as to what had become of the execution - application In the circumstances the Municipal Council

their meeting held on 29-6-1932 resolved that this irrecoverable amount of ₹ 639-4-8 may be remitted

The President and the Vice-President are primarily responsible for the collection of toll taxes and tolls and this responsibility cannot be shoved on to the clerk The affair too was a long-standing one and had even gone up to the court The President and the - - Vice-President should have therefore been on the alert and should not have allowed the decree to become time-barred but as the then President Mr Abdus Subhan is now retired and the then Vice-President Mr Kalyan Singh is also only a Councillor now I have reported these facts for the information of Government

The enclosures may kindly be returned when no longer necessary

I have the honour to be,
Sir,
Your most obedient servant,

Treasury Assistant Commissioner,
for Deputy Commissioner,
Kolar District
(Absent from station)

A R 2283

Appendix F (G—1]

SUBJECT

Section ml
File No 67-32
Serial No 4

Diary No of letter replied to 851

No 1892 Gne Records

To The Deputy Kolar

From

With reference to your letter no AS-C-354/32-3 dt 22-8-32 forwarding the resolution of the Kolar Town Municipal Council on the remission of the encroachment arrears amounting to Rs 699-4-8 and stating that the Vice President Mr Abdus Subhan is retired and the Vice President Mr Kalyan Singh is only a councillor now, I am directed to request you to kindly furnish your opinion on the resolution of the Municipal Council. The records received with your letter are herewith returned for [illegible] and retransmission

General and Revenue Secretariat

( )

the 193

Date of issue 10/9

Signed by

List of enclosures

Copied by

Examined by

In all futur correspondence please qu t this
N AS-C.354/32-33
E is One file

OFFICE OF THE DEPUTY COMMISSIONER
KOLAR DISTRICT

Dated Kolar the 8th February *1933*

GEN & REV SECTT 3495 11 FEB 1933 L S G BRA

FROM T G Rama Iyer,Esq ,B A ,
Deputy Commissioner
Kolar District

To

Rev 67 32-5

R Ranga Rao,Esq ,B A ,B L ,
SECRETARY TO GOVERNMENT OF MYSORE
General *Department*
Bangalore

GENERAL SECRETARIAT 10 FEB 1933 No. L S S SIX

Remission of Rs 639-4-8 Toll-gate arrears for 24-25 - Kolar Town Municipal Council-Loss of Execution application

===

With reference to your letter No L 1092 Records/Ml 67-32-4, dated 7/10th September 1932, calling for my opinion on the resolution of the Kolar Town Municipal Council re the above subject, I have the honour to state that as the then President and the Vice-President are out of their offices now and there is not enough evidence to punish the clerks, the matter may be dropped, particularly in view of the Municipal Council having resolved to write off the arrears

2 The records are herewith submitted for favour of perusal and return when done with

I have the honour to be,
Sir,
Your most obedient servant,

R Srinivasa
Treasury Assistant Commissioner,
For Deputy Commissioner,
Kolar District
(Absent from station)
8 2 33

A R 8233

See ML
File no 67-32

L 6772/Encl Rec 88 File no 6

Dy 12-12-33

To

The Dep Com Labour Ot

Sir,

I am directed to refer to your letter no ASC 354/32-33 dy 8-12-33 re - the remission of Unrecoverable Telegraph arrears amounting to Rs 639-4-8 due to the Labour Tribunal, and to request you to be good enough to furnish the Department a history of the action taken re the execution proceedings in the case, and civil claims and the names of pleaders for the entire period

The enclosed records are returned herewith for reference & return

I have etc

Dy Controller of Stores
Rly

15/12/33

Express

L 6772/Encl Records 15th April 19 3.

The

The Deputy Commissioner,
Kolar District, K o l a r

With reference to correspondenceending with your letter No 45 c 354/32-33 dated 8th February 1933, regarding the remission of irrecoverable Toll-gate arrears amounting to Rs 639-4-8 due to the Kolar Town Municipalit I am directed to request you to be so good as to furnish a history of the action taken re execution proceedings in the case, with dates and the names o Presidents for the entire period

The connected records are returned h rewith for reference and resubmission

I have the honour to be,
S i r,
Your most obedient servant,

for General Secretary to Government

P 2/15-4

Mr 64-32-10

I all future correspo de ce please quote th
N A5-C 354/32-33
E ls Or c copy

OFFICE OF THE DEPUTY COMMISSIONER
KOLAR DISTRICT

Dated Kolar the 3rd J u n e *193*

5650

FROM T G Rama Iyer, Esq, B A,
A.V.RAMANATHAN, Esq, B.A.
Deputy Commissioner
Kolar District

To
n V aras aml, Esq, M A, B L,
SECRETARY TO GOVERNMENT OF MYSORE
General *Department*
Bangalore

SIR

With reference to your letter o L 677c/ l 07-32-6 dated 15/19th April 1933, re the remission of irrecoverable Toll-gate arrears - amounting to 639-4-8 due to the Kolar Town Municipality, and - requesting to furnish a history of the action taken re execution proceedings in the case etc I have the honour to state that a history of the action taken e execution proceedings in the case, has already been furnished in my letter o A5-C 354/32-33 dated - -6-1933 A copy of this letter is herein enclosed for reference It will be seen therefrom that the President and Vice President in whose term the execution application was received but not acted upon were Messrs Abdus Subhan and Kalyan Singh As desired however I note below the ex-officio Presidents who were in charge since the date o the decretal order viz 30-6-1926

1	r s Hiriyannaiya, M , B L,	From May 1925 to November	1926
2	r yed Taj Peeran, B	from Decr 1926 to ay	1927
3	r T G ama Iyer, B A,	from June 1927 to Sepr	1927
4	r A ed Taj Peeran, B ,	from October 1927 to June	1928
5	Mr Abdus Subhan Treasury Assistant Commissioner	from July 1928 to July	1930

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Kolar District

3633

Letter No A5-C 354/32-33 dated 22-8-32, from the Deputy Commissioner, Kolar District, Kolar, to the General Secretary to Government of Mysore, Bangalore

====

In forwarding herewith the records ending with Kolar Municipal - President's Memo No 150/32-33 dated 3-8-32 re the remission by the - Municipal Council of Toll-gate arrears due from one Mr Hanif Khan, contractor, I have the honour to state that Mr Hanif Khan purchased the right of collecting toll at the Municipal Toll-gate, Kolar, for the year 24-25 As he failed to pay the full amount, a suit was filed against him in the Munsiff Court, Kolar, and a decree was passed on 30-8-26 in favour of the Municipal Council for Rs 639-4-8 As Mr Hanif was reported to be living at Robertsonpet, the decree was got transferred to the Munsiff Court, Kolar Gold Fields for execution but as it remained unexecuted in that court for more than six months, it was retransferred to Kolar It appears that on 18-5-29, Mr G H Srinivasa Rao, Advocate who was entrusted with the case, sent an execution application for being signed, to the then President and that it was not returned to him in spite of his reminding the Municipal authorities repeatedly with the result that the decree became barred by limitation It is reported that the execution application finds an entry in the "From' Register of the office The explanation of the then Head Clerk was called for but it did not throw any light as to what had become of the execution application In these circumstances the Municipal Council in their meeting held on 29-8-32 resolved that this irrecoverable amount of Rs 639-4-8 may be remitted

The President and the Vice President are primarily responsible for the collection of all taxes and tolls and this responsibility cannot be shoved on to the clerk The affair too was a long standing one and had even gone up to the court The President and the Vice President should have therefore been on the alert and should not have allowed the decree to become time-barred but as the then President Mr Abdus Subhan is now retired and the then Vice President Mr Malyan Singh is also only a - Councillor now, I have reported these facts for the information of - Government

The enclosures may kindly be returned when no longer necessary

======

"COPY"

Deputy Commissioner,
Kolar District

A 3633

Appendix F G—1]

SUBJECT

Section 2nd

File No 67-32

Serial No 12

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 11/7/33

Signed by Mr A Seetha Rao

No 2 941

To

The Secy Govt, Madras

Sir, With reference to correspondence ending with your letter no ASC 354/32-3 dt 3-6-33 regarding the remission of unrecovered Tax-sale arrears amounting to Rs 639-4-8 due to the Kolar Town Municipality, I am directed to state that the recommendation of this office to remit the amount in the circumstances stated may be ~~accepted~~ is approved

I have etc

Secy to Govt

List of enclosures

Copied by

Examined by

WD 0253—GPB—15 000—26-8 32

-L 241/mul 67-32-12 18th July 1933

The

The Deputy Commissioner,
Kolar District

With reference to correspondence ending with your letter No.A 5 C 354/32-33 dated 3rd June 1933 regarding the remission of irrecoverable toll-gate arrears amounting to Rs 639-4-8 due to the Kolar Town Municipality I am directed to state that the recommendation of the Municipal Council to remit the amount in the circumstances stated is approved

I have the honour to be,
Sir
Your most obedient servant,

For General Secretary to Government

bnl 2

Enclosure

4055-60/MR 67-32-13

14-12-33

Proceedings of the Government of
His Highness the Maharaja of Mysore

**** O ****

Order No

Dated, Bangalore,

In view of the necessity for watching the proceedings relating to the execution of decrees obtained for the recovery of the dues to the Municipalities, Government direct that a register of decrees be maintained in each Municipal Office in the form appended to this order As soon as a decree is passed, it should be entered in the register with all the particulars prescribed and at the beginning of each quarter the President or the Chief Officer of the Municipality if there is a Chief Officer should inspect this register and initial it

General Secretary to Government

To

The Deputy Commrs of Districts,
The Comptroller to Government
The President Mysore City
The Munsiff Bangalore City

9/12

Register of Decrees, Municipality

Serial No. of case	Name of Court which pass the decree	No and year of suit or appeal or application	Name of parties	Date of decr
	2	3	4	5

Date on which the period of limitation	Judgment debtor			Amount due to ~~Government~~ the Municipality	
	Name	Residence	Occupation	On what account	Amount
6	7	8	9	10	11

Steps taken for recovery		Recoveries effected			Date of credit to Treasury
Nature of step	Date of taking steps	How recovered	Date	Amount	
12	13	14	15	16	17

Writtem off/irrecoverable		Net balance to be recovered	Remarks(here enter any information available as to judgment debtor's pecuniary circumstances what property if any he owns etc)
No and date of G O or ~~Officer's~~ Other authority ~~Order~~	Amount		
18	19	20	21

(Annexure to Fo No

Register of Decrees, chum chalitg

Number of Original Suit
Amount Rs
Name of Defendant
Date of Institution

Number of Execution Cas
Amount due Rs
Name of Judgment debtor
Date of institution

P lm y t ed			D re C t f t					R u		
D t	P t l	Am t	D t	A t	D t	P t l	Am t	D t	P t l	A t
		R		R			R			R
	T t l									
	Add t f t									
	G d T t l									

~~N.B — Cash book voucher number should be entered in the form for both the receipts and expenditure.~~

~~Exd — C K~~

~~WD 2091—G P B—475—25-4-33~~